

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**NORRIS LYNN FISHER,**

**Plaintiff,**

**VS.**

**COMMISSIONER, SOCIAL SECURITY  
ADMINISTRATION, et al. ,**

**Defendants.**

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**CIVIL ACTION NO. 4:21-CV-1178-P(BJ)**

**FINDINGS, CONCLUSIONS AND RECOMMENDATION OF THE  
UNITED STATES MAGISTRATE JUDGE AND NOTICE AND ORDER**

In this case, Plaintiff/Appellant Norris Lynn Fisher filed a motion for leave to proceed in forma pauperis. Resolution of the motion was referred to the United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b) and Miscellaneous Order No. 6.<sup>1</sup> The findings, conclusions and recommendation of the United States Magistrate Judge are as follows:

**FINDINGS AND CONCLUSIONS:**

**A. NATURE OF THE CASE**

This case is a civil action filed by Norris Lynn Fisher, pro se, seeking social security benefits.

**B. PARTIES**

Fisher is the plaintiff/appellant. The Commissioner of the Social Security Administration is the lead Defendant. Fisher named other Defendants.

**C. LEGAL ANALYSIS**

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<sup>1</sup>Order for the Adoption of Rules for the Exercise of Powers and Performances of duties by United States Magistrate Judges, signed May 5, 2005.

On November 3, 2021, Fisher filed an interlocutory notice of appeal. ECF No. 39. Fisher also filed a document entitled “Motion for the Court to Accept Declaration of Inability to Pay,” along with an attached “Declaration of Inability to Pay.” ECF No. 40. The Court then issued an Order and Notice of Deficiency directing Fisher to complete and file the Court’s long form in-forma-pauperis application, explaining that he “must provide complete and accurate answers to all of the questions in the long-form in-forma-pauperis application, including information about any spouse’s income.” Order and Notice of Deficiency 1, ECF No. 41. That order, docketed on November 4, 2021, directed Fisher to comply within 10 days. *Id.* Further, that Order informed Fisher that “[f]ailure to timely submit the applicable fees or a fully completed application to proceed in forma pauperis within 10 days could result in the denial of the motion to proceed in forma pauperis or notice to the court of appeals.” *Id.* at 2. Rather than comply, Fisher has instead twice filed essentially the same motion asking the Court to accept his Declaration. ECF Nos. 42, 43. Because Fisher has failed to comply with this Court’s order to complete and file the Court’s long form in-forma-pauperis application, his motions to proceed in forma pauperis (labeled as Motions for the Court to Accept Declaration of Inability) ECF Nos. 40, 42, and 44, should be denied.

### **RECOMMENDATION**

It is therefore **RECOMMENDED** that Plaintiff/Appellant Norris Lynn Fisher’s motions to proceed in forma pauperis (labeled as “Motions for the Court to Accept Declaration of Inability to Pay”) [ECF Nos. 40, 42, and 44] be **DENIED** by the district judge.

### **NOTICE OF RIGHT TO OBJECT TO PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATION AND CONSEQUENCES OF FAILURE TO OBJECT**

A copy of this report and recommendation shall be served on all parties in the manner provided by law. Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file

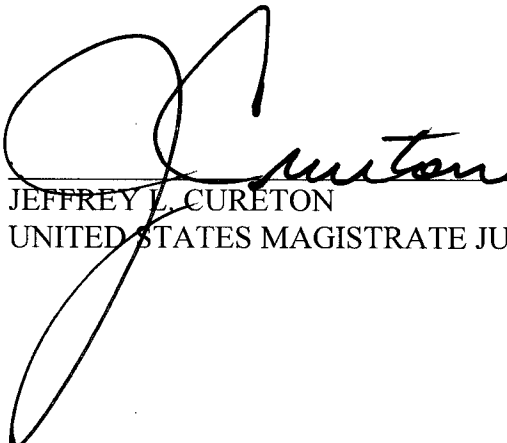
specific written objections in the United States District Court to the United States Magistrate Judge's proposed findings, conclusions, and recommendation within fourteen (14) days after the party has been served with a copy of this document. The United States District Judge need only make a de novo determination of those portions of the United States Magistrate Judge's proposed findings, conclusions, and recommendation to which specific objection is timely made. *See* 28 U.S.C. § 636(b)(1). Failure to file by the date stated above a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions accepted by the United States District Judge. *See Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc), *superseded by statute* 28 U.S.C. § 636(b)(1) (extending the deadline to file objections from ten to fourteen days).

**ORDER**

Under 28 U.S.C. § 636, it is **ORDERED** that Plaintiff is granted until <sup>December</sup>~~November~~ 1, 2021 to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions and recommendation.

It is further **ORDERED** that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusions and recommendation, be and is hereby, **RETURNED** to the docket of the United States District Judge.

SIGNED November 17, 2021.

  
JEFFREY L. CURETON  
UNITED STATES MAGISTRATE JUDGE